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CRIME PREVENTION AND CRIMINAL JUSTICE

Draft resolution submitted by the Chairperson on the basis of informal consultations held on the draft resolution contained in document A/C.3/51/L.3

United Nations Declaration on Crime and Public Security

The General Assembly,

Convinced that the adoption of a declaration on crime and public security will contribute to the enhancement of the struggle against serious transnational crime,

1. Approves the United Nations Declaration on Crime and Public Security, the text of which is annexed to the present resolution;

2. Urges Member States, in accordance with the provisions of the Declaration, to take all appropriate measures at the national and international levels to combat serious transnational crime;

3. Invites the Secretary-General to inform all States and the relevant specialized agencies and organizations of the adoption of the Declaration;

4. Urges Member States to make every effort in order that the Declaration becomes generally known and is observed and implemented in full in accordance with their respective national legislation;

5. Invites Member States to promote public campaigns, including the use of mass media, that stimulate public awareness of and participation in the process of crime prevention and promotion of public security.

Annex

UNITED NATIONS DECLARATION ON CRIME AND PUBLIC SECURITY

The General Assembly,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, 1/ the Declaration on Measures to Eliminate International Terrorism 2/ and the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, 3/

Solemnly proclaims the following United Nations Declaration on Crime and Public Security:

Article 1

Member States shall seek to protect the security and well-being of their citizens and all persons within their jurisdictions by taking effective national measures to combat serious transnational crime, including organized crime, illicit drug and arms trafficking, smuggling of other illicit articles, organized trafficking in persons, terrorist crimes and the laundering of proceeds from serious crimes, and shall pledge their mutual cooperation in those efforts.

Article 2

Member States shall promote bilateral, regional multilateral and global law enforcement cooperation and assistance, including, as appropriate, mutual legal assistance arrangements to facilitate the detection, apprehension and prosecution of those who commit or are otherwise responsible for serious transnational crimes and to ensure that law enforcement and other competent authorities can cooperate effectively on an international basis.

Article 3

Member States shall take measures to prevent support for and operations of criminal organizations in their national territories. Member States shall, to the fullest possible extent, provide for effective extradition or prosecution of those who engage in serious transnational crimes in order that they find no safe haven.

1/ Resolution 50/6.

2/ Resolution 49/60.

3/ A/50/433.

Article 4

Mutual cooperation and assistance in matters concerning serious transnational crime shall also include, as appropriate, the strengthening of systems for the sharing of information among Member States and the provision of bilateral and multilateral technical assistance to Member States by utilizing training, exchange programmes and law enforcement training academies and criminal justice institutes at the international level.

Article 5

Member States that have not yet done so are urged to become parties as soon as possible to the principal existing international treaties relating to various aspects of the problem of international terrorism. States parties shall effectively implement their provisions in order to fight against terrorist crimes. Member States shall also take measures to implement General Assembly resolution 49/60 of 9 December 1994 on measures to eliminate international terrorism and its annex containing the Declaration on Measures to Eliminate International Terrorism.

Article 6

Member States that have not yet done so are urged to become parties to the international drug control conventions as soon as possible. States parties shall effectively implement the provisions of the Single Convention on Narcotic Drugs of 1961, 4/ that Convention as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961, 5/ the Convention on Psychotropic Substances of 1971, 6/ and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. 7/ Member States specifically reaffirm that, on the basis of shared responsibility, they shall take all necessary preventive and enforcement measures to eliminate the illicit production of, trafficking in, and distribution and consumption of narcotic drugs and psychotropic substances, including measures to facilitate the fight against those criminals involved in this type of transnational organized crime.

4/ United Nations, Treaty Series, vol. 520, No. 7515.

5/ Ibid., vol. 976, No. 14152.

6/ Ibid., vol. 1019, No. 14956.

7/ Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988, vol. I (United Nations publication, Sales No. E.94.XI.5).

Article 7

Member States shall take measures within their national jurisdictions to improve their ability to detect and interdict the movement across borders of those who engage in serious transnational crime, as well as the instrumentalities of such crime, and shall take effective specific measures to protect their territorial boundaries, such as:

(a) Adopting effective controls on explosives and against illicit trafficking by criminals in certain materials and their components that are specifically designed for use in manufacturing nuclear, biological or chemical weapons and, in order to lessen risks arising from such trafficking, by becoming party to and fully implementing all relevant international treaties relating to weapons of mass destruction;

(b) Strengthening supervision of passport issuance and enhancement of protection against tampering and counterfeiting;

(c) Strengthening enforcement of regulations on illicit transnational trafficking in firearms, with a view to both suppressing the use of firearms in criminal activities and reducing the likelihood of fuelling deadly conflict;

(d) Coordinating measures and exchanging information to combat the organized criminal smuggling of persons across national borders.

Article 8

To combat further the transnational flow of the proceeds of crime, Member States agree to adopt measures, as appropriate, to combat the concealment or disguise of the true origin of proceeds of serious transnational crime and the intentional conversion or transfer of such proceeds for that purpose. Member States agree to require adequate record-keeping by financial and related institutions and, as appropriate, the reporting of suspicious transactions, and to ensure effective laws and procedures to permit the seizure and forfeiture of the proceeds of serious transnational crime. Member States recognize the need to limit the application of bank secrecy laws, if any, with respect to criminal operations, and to obtain the cooperation of the financial institutions in detecting these and any other operations which may be used for the purpose of money-laundering.

Article 9

Member States agree to take steps to strengthen the overall professionalism of their criminal justice, law enforcement and victim assistance systems, and relevant regulatory authorities, through measures such as training, resource allocation and arrangements for technical assistance with other States, and to promote the involvement of all elements of their societies in combating and preventing serious transnational crime.

Article 10

Member States agree to combat and prohibit corruption and bribery, which undermine the legal foundations of civil society, by enforcing applicable domestic laws against such activity. For this purpose Member States also agree to consider developing concerted measures for international cooperation to curb corrupt practices, as well as developing technical expertise to prevent and control corruption.

Article 11

Actions taken in furtherance of this Declaration shall fully respect the national sovereignty and territorial jurisdiction of Member States as well as the rights and obligations of Member States under existing treaties and international law, and shall be consistent with human rights and fundamental freedoms as recognized by the United Nations.